

REMARKS

In reply to the Office Action of December 13, 2007, applicant asks that all claims be allowed in view of the amendments to the claims and the following remarks. Claims 1-34, 36, 38, and 40-43 are pending in this application, of which claims 1, 36, and 38 are independent. Claims 1, 4-10, 14, 15, 17-25, 28, 30, 36, and 38 have been amended and claims 41-43 have been added. Support for the amendments and new claims may be found throughout the application, for example, at page 21, line 30 through page 30, line 25 referring to Figs. 8-10. No new matter has been added.

Claims 1, 2, 11-15, 17-18, 21-23, 25-26, 30, 36, 38, and 40 have been rejected as being unpatentable over Kurland (U.S. Patent No. 4,603,232) in view of Walker (U.S. Patent No. 6,093,026), Shah-Nazaroff (U.S. Publication No. 2002/0053077), and Chung (U.S. Publication No. 2004/0046021). Applicant requests reconsideration and withdrawal of this rejection because none of the applied references, or a proper combination thereof, describe or suggest the features of amended independent claims 1, 36, and 38, as described more fully below.

As amended, independent claim 1 recites, inter alia, preparing a first evaluation round that includes at least the polling request and that enables a first user to select one of the entry elements multiple times within the polling request to indicate a relative preference for the one entry element with respect to other entry elements selected by the same, first user within the polling request. Applicant submits that neither Kurland, Walker, Shah-Nazaroff, Chung, nor any proper combination of the references, describe or suggest at least this feature.

Specifically, the Office Action indicates that "Kurland does not disclose that the polling request in the first round enables a first user to select one of the entry elements multiple times and the response to the first polling request includes an indication of the number of times the entry elements were selected by the first user." Office Action of December 13, 2007 at page 4. Moreover, the Office Action suggests that Shah-Nazaroff and Chung, which were previously-cited in the last rejection of independent claim 1, are equally deficient with respect to this feature by relying on a newly-cited reference for this feature. Specifically, the Office Action relies on Walker for this feature.

However, Walker, at most, describes including multiple instances of the same question in a survey to enable determination of whether the respondent to the survey is human and paying attention. As such, the multiple responses to the multiple instances of the same question in the Walker survey do not indicate a user's relative preference for one entry element within the survey with respect to other entry elements selected by the user within the survey.

Specifically, Walker describes a system configured to prevent abuse of online surveys by automated respondents or inattentive humans. See Walker at Abstract. To that end, the Walker system applies an inconsistency test to responses received for an online survey to detect responses received from computers or humans not paying attention. See id. The Walker inconsistency test involves including multiple instances of the same survey/certification question in an online survey. See Walker at col. 8, line 52 through col. 9, line 4. When a response to the online survey is received, the Walker system compares the answers for the multiple instances of the same survey/certification question to determine whether the answers are consistent. See id. In the event that the answers are inconsistent, the Walker system determines that the response to the online survey is from a computer or a human that is not paying attention and takes corrective action (e.g., ignoring the response to the survey, withholding payment for completion of the survey, etc.). See id. The multiple responses to the same survey/certification question in the Walker system, thus, do not indicate a user's relative preference for one entry element within the survey with respect to other entry elements selected by the user within the survey. Rather, the multiple responses to the same survey/certification question are used by the survey host as a mechanism to detect responses originating from computers or inattentive humans, and do not indicate any preference of the user responding to the survey. Therefore, applicant submits that Walker fails to describe or suggest preparing a first evaluation round that includes at least the polling request and that enables a first user to select one of the entry elements multiple times within the polling request to indicate a relative preference for the one entry element with respect to other entry elements selected by the same, first user within the polling request, as recited in independent claim 1.

Because Kurland, Walker, Shah-Nazaroff, and Chung each fail to describe or suggest "preparing a first evaluation round that includes at least the polling request and that enables a first user to select one of the entry elements multiple times within the polling request to indicate

a relative preference for the one entry element with respect to other entry elements selected by the same, first user within the polling request," their combination also fails to describe or suggest at least this feature.

Accordingly, for at least these reasons, applicant respectfully requests reconsideration and withdrawal of the rejection of amended independent claim 1 and its dependent claims. Although different in scope from independent claim 1 and each other, each of independent claims 36 and 38 recite features similar to those recited by independent claim 1. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection of independent claims 36 and 38, for at least the reasons discussed above with respect to claim 1.

Furthermore, like Kurland, Walker, Shah-Nazaroff, and Chung, Lett (U.S. Patent No. 5,539,822), Hattori (U.S. Patent No. 5,719,619), Frost (U.S. Patent No. 5,041,972), Belmont (U.S. Patent No. 5,819,156), McKissick (U.S. Patent Publication 2006/019066), Aras (U.S. Patent No. 5,872,588), and Bejan (U.S. Patent No. 5,465,384) also fail to describe or suggest preparing a first evaluation round that includes at least the polling request and that enables a first user to select one of the entry elements multiple times within the polling request to indicate a relative preference for the one entry element with respect to other entry elements selected by the same, first user within the polling request. Therefore, none of Lett, Hattori, Frost, Belmont, McKissick, Aras, and Bejan remedy the deficiencies of Kurland, Walker, Shah-Nazaroff, and Chung discussed above.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply.

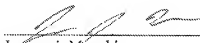
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Applicants submit that all claims are in condition for allowance. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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